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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/989,069	11/21/2001	Toshiyuki Ishino	F-11770	9749
466	7590	11/16/2004		
YOUNG & THOMPSON 745 SOUTH 23RD STREET 2ND FLOOR ARLINGTON, VA 22202			EXAMINER ABEL JALIL, NEVEEN	
			ART UNIT 2165	PAPER NUMBER

DATE MAILED: 11/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Advisory Action</b>	<b>Application No.</b> 09/989,069	<b>Applicant(s)</b> ISHINO, TOSHIYUKI	
	<b>Examiner</b> Neveen Abel-Jalil	<b>Art Unit</b> 2165	

**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

THE REPLY FILED 03 September 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

**PERIOD FOR REPLY [check either a) or b)]**

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.  
ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on \_\_\_\_\_. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
  - (b) ☐ they raise the issue of new matter (see Note below);
  - (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
  - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_

3. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.
4. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:


Claim(s) allowed: \_\_\_\_\_

Claim(s) objected to: \_\_\_\_\_

*sl* Claim(s) rejected: ~~1-59-21~~ 1-59-21

Claim(s) withdrawn from consideration: \_\_\_\_\_

8. ☐ The drawing correction filed on \_\_\_\_\_ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_
10. ☐ Other: \_\_\_\_\_

  
**SAM RIMELL**  
**PRIMARY EXAMINER**

Continuation of 5. does NOT place the application in condition for allowance because: The applicant's arguments presented in the "Response to Final Office Action" filed on 3-September-2004, have been fully considered but they are not deemed to be persuasive.

In response to applicant's argument that "ITAKURA et al. do not describe an audience side terminal unit with features that perform the same three functions in the same way to achieve the same result as the means plus function limitations being claimed" is respectfully acknowledged but is not deemed to be persuasive.

The Examiner with reference to the disclosure of the specification regarding the definition of "audience side terminal" only to find the applicant has defined it as any general terminal unit comprising an IC card (detachable storage) which holds the database information (See Specification page 11) running on a personal computer no different from the ITAKURA user terminal. The Examiner sees that there are insubstantial differences between the prior art element and the corresponding element disclosed in the specification. ITAKURA's audience side terminal unit performs the function described by the applicant's claims.

In response to applicant's argument that "ITAKURA et al.'s audience side terminals do not compare two sets of information and pairs information with the highest relevance accordingly" is respectfully acknowledged but is not deemed to be persuasive.

The Examiner points to ITAKURA et al. column 12, lines 1-34 wherein the step of "comparing" and "comparison" is taught. ITAKURA et al. teaches the message distributor compares the received information using timestamps. It is clear that the updating or missing information is then added to the request and sent back to the terminal. Basically, a synchronization takes place between user profile and information being distributed that is taught by ITAKURA et al.

In response to applicant's argument that "ITAKURA et al.'s audience side terminals do not select provided information paired with the seller side information for which the number of matched items with the buyer side information is largest" is respectfully acknowledged but is not deemed to be persuasive.

The Examiner refers to ITAKURA et al. column 3, lines 1-54, also see column 12, lines 7-46 wherein the characteristics have the highest matched required for rendering of information between buyer and seller side is being tracked and monitoring using revision time and message time as it is being sent back and forth between terminals. In column 26, lines 40-67, wherein ITAKURA et al. discloses selection of the information to be transferred to the user is based on comparison of records and ultimately making the judgment based on the most accurately matched records.

The Applicant's remaining arguments although not addressed in detail are not deemed to be persuasive.